

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Otis Holland,

Petitioner,

v.

John Henley, *et al.*,

Respondents.

Case No. 2:25-cv-00379-RFB-MDC

SCHEDULING ORDER

This action is a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 by Otis Holland, an individual incarcerated at the Northern Nevada Correctional Center. The respondents appeared on April 30, 2025. ECF No. 4. It is therefore ordered that the following schedule will govern further proceedings in this action:

Respondents will have 90 days following the entry of this order to file an answer or other response to the petition for writ of habeas corpus (ECF No. 1).

Petitioner will have 45 days following the filing of an answer to file a reply. Respondents will thereafter have 30 days following the filing of a reply to file a response to the reply.

If Respondents file a motion to dismiss, Petitioner will have 60 days following the filing of the motion to file a response to the motion. Respondents will thereafter have 30 days following the filing of the response to file a reply.

If Petitioner wishes to move for leave to conduct discovery, Petitioner must file such motion concurrently with, but separate from, the response to Respondents' motion to dismiss or the reply to Respondents' answer. Any motion for leave to conduct discovery filed by Petitioner before that time may be considered premature, and may be denied, without prejudice, on that basis. Respondents must file a response to any such motion concurrently with, but separate from, their reply in support of their motion to dismiss or their response to Petitioner's reply. Thereafter, Petitioner will have 20 days to file a reply in support of the motion for leave to conduct discovery.

1 If Petitioner wishes to request an evidentiary hearing, Petitioner must file a motion for an
2 evidentiary hearing concurrently with, but separate from, the response to Respondents' motion to
3 dismiss or the reply to Respondents' answer. Any motion for an evidentiary hearing filed by
4 Petitioner before that time may be considered premature, and may be denied, without prejudice,
5 on that basis. The motion for an evidentiary hearing must specifically address why an evidentiary
6 hearing is required and must meet the requirements of 28 U.S.C. § 2254(e). The motion must
7 state whether an evidentiary hearing was held in state court, and, if so, state where the transcript
8 is located in the record. If Petitioner files a motion for an evidentiary hearing, Respondents must
9 file a response to that motion concurrently with, but separate from, their reply in support of their
10 motion to dismiss or their response to Petitioner's reply. Thereafter, Petitioner will have 20 days
11 to file a reply in support of the motion for an evidentiary hearing.

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13 **DATED** this 6th day of May 2025.

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16 **RICHARD F. BOULWARE, II**
17 **UNITED STATES DISTRICT JUDGE**
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